

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re

Chapter 7

VLADIMIR OSTASHKO,

Case No. 03-26845-ess

Debtor.

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ROBERT J. MUSSO, Trustee of the Estate of
Vladimir Ostashko,

Plaintiff,

-against-

Adv. Pro. No. 04-1256-ess

VLADIMIR OSTASHKO, TANYA OSTASHKO,
ZURITTA-TEKS, LTD., and HARNIK &
FINKELSTEIN,

Defendants.

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**ORDER DENYING TANYA OSTASHKO'S APPLICATION
FOR A STAY OF AUCTION OF PROPERTY PENDING APPEAL**

Upon the application by order to show cause (the "Stay Application") of Tanya Ostashko, a defendant in the above-captioned adversary proceeding, pursuant to Rule 8005 of the Federal Rules of Bankruptcy Procedure, for a stay of the auction of the real property located at 246 Howard Avenue, Staten Island, New York 10301, pending her appeal of the Court's Memorandum Decision Denying in Part Tanya Ostashko's Motion for Summary Judgment dated June 1, 2005, and Order Denying in Part Tanya Ostashko's Motion for Summary Judgment dated June 14, 2005 (the "Decision"), the Memorandum of Law of Chapter 7 Trustee in Opposition to Stay of Sale of Property dated September 13, 2005, the Affidavit of Stephen H. Harnik in Opposition to Motion to Stay Sale of Property, dated September 19, 2005, and the Stay

Application having come before the Court at a hearing held on September 21, 2005, at which counsel for Tanya Ostashko and counsel for Robert J. Musso, the Chapter 7 Trustee, appeared and were heard, and David W. Maltz gave testimony; and after consideration of the entire record and for the reasons set forth in the Court's Memorandum Decision Denying Tanya Ostashko's Application for a Stay Pending Appeal, it is hereby

ORDERED, that the Stay Application is denied.

Dated: Brooklyn, New York
September 21, 2005

s/Elizabeth S. Stong
ELIZABETH S. STONG
UNITED STATES BANKRUPTCY JUDGE